

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

NATHANIEL ORTIZ, Register Number 61189-054

JAN 13 2020

Administrative United States Penitentiary

PER

Thomson

DEPUTY CLERK

Post Office Box 1001

Thomson, Illinois 61285

vs.

CIVIL COMPLAINT

UNITED STATES OF AMERICA

3:20-CV-0060

TO BE FILED UNDER: 28 U.S.C. §§ 1331 and 1333(b)

Federal Officials

A. Previous Litigation

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:
Plaintiff has not filed any previous lawsuits.

B. Exhaustion of Administrative Remedies

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request relief?

A. Is there a prisoner grievance procedure available at your present institution? Yes.

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? Yes.

C. If your answer to "B" is Yes:

1. What steps did you take? Plaintiff filed an Administrative First Claim.

2. What was the result? Denied.

D. If your answer to "B" is No, explain why not: Not Applicable.

M. Defendants

(1) Name of defendant: United States of America.

Mailing address #1: Attorney General, Washington D.C.

#2 United States Attorney, 228 Walnut Street,
Harrisburg, Pennsylvania 17108

IV Statement of Claim

Failure to Protect

In or about May of 2019, while confined at USP Lewisburg located in Lewisburg, Pennsylvania, Plaintiff was moved from a single cell in G-Block, to a two-man cell in E-Block with a "G-27" gang member. Prior to this move prison officials knew, or reasonably should have known, that G-27 gang members were hostile to Plaintiff.

Prison officials were also aware of the fact that the Puerto Rico regional gang was affiliated with the G-27 gang, and that because Plaintiff had been in a physical altercation with a Puerto Rico regional gang member, he was in danger of being assaulted by either gang or any of its members. When Plaintiff realized he had been placed in a cell with a G-27 gang member he contacted his Unit

Team to move him for his safety. Although Unit Team was apprised of the fact that Plaintiff was in mortal danger, it took no action. Plaintiff there after apprised prison guards Long and Pecker that he was in mortal danger if he was not moved to another cell. Neither Long nor Pecker paid any heed to Plaintiff's entreaty.

On the next day, when prison guards removed his Q-27 cellies' hand restraints, but before the hand restraints on Plaintiff could be removed through the tray slot, the gang member viciously assaulted and battered Plaintiff breaking his nose, jaw and cheekbone. During said attack prison guards stood idly by the door refusing to use means in their possession to abate the assault and beating which was more injurious and protracted than it would have been had the idlers used "said means" to put an end to the vicious assault. Also, I had asked other "OFFICERS" From J-block, G-block, E-block, and Nothing was done!

Y. Reiter

Plaintiff requests this Court grant the following relief:

- A. Award \$100,000.00 in compensatory damages;
- B. Award Court costs and fees;
- C. Award attorney fees; and
- D. Grant such other and further relief as is just, equitable and fair.

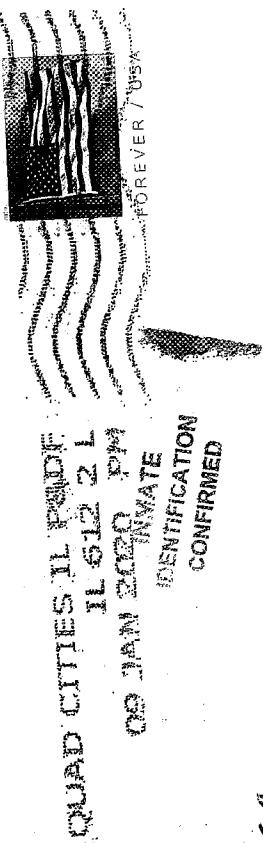
I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of February, 2020

N. Reiter

(Signature of Plaintiff)

Page 3 of 3



INMATE NAME Mathange/R. Ortiz
REGISTER NUMBER 61129-054
ADMINISTRATIVE UNITED STATES PENITENTIARY
P.O. BOX 1001
THOMSON, IL 61285

RECEIVED
SCRANTON
JAN 13 2001
CLERK

Clerk's Office
U.S. District Court
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

RECEIVED
JAN 13 2001
CLERK

Legal Mail